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November 7, 2016

*By email to [CELA@FEC.gov](mailto:CELA@FEC.gov)*

Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

**Re: RR 14L-34 (Amended)  
Workers' Voice**

Dear Mr. Jordan:

I am responding on behalf of Workers' Voice to your letter and enclosure dated September 22, 2016 ("the Amended Referral Letter") regarding the internal referral of this matter from the Reports Analysis Division ("RAD") to the Office of General Counsel ("OGC") for possible enforcement action under 52 U.S.C. § 30109 concerning Workers' Voice's compliance with 52 U.S.C. § 30104(g) during the 2012 general election period. Workers' Voice appreciates the opportunity to respond on an extended schedule and reiterates its suggestion that this matter can and should be resolved either by the Alternative Dispute Resolution Office ("ADR Office") or by OGC through pre-probable cause conciliation.

In response to the Commission's original Referral Letter of October 7, 2014, Workers' Voice acknowledged and explained the reasons for our failure to timely file some 48-hour and 24-hour reports during the 2012 general election period. In our letter of December 24, 2014, we took issue with the manner in which our reporting omissions were counted in the original Referral Letter. It appears that the Amended Referral Letter revises the method for counting our reporting omissions, in addition to making small downward adjustments in the monetary value of the independent expenditures that were not timely reported. We agree with these revisions as described in the Amended Referral Letter.

100-44444-1001

With respect to the content of the Amended Referral Letter that remains unchanged, Workers' Voice reiterates the positions articulated in our December 24, 2014, and January 31, 2015 letters to the Commission. We acknowledge that some 48-hour and 24-hour reports were not timely filed during the 2012 general election period, but note that the value of these late-filed reports was small compared to our overall activity during that period. And, with respect to Workers' Voice's reporting of in-kind expenditures to offset the in-kind contributions it received, we have explained that the Commission had an interpretative rule that required them to be reported on Line 21(b) as operating expenditures, so Workers' Voice cannot be subjected to enforcement for "late" reporting of them as Schedule E independent expenditures. Notably, when the Commission revised the Form 3X and Related Schedules and their filing instructions this past May, it left unchanged the instruction that "[e]ach contribution in-kind [that is received] must also be reported in the same manner as an operating expense on Schedule B and included in the total for 'Operating Expenditures.'" Instructions for Form 3X and Related Schedules, p. 10 (Revised 5/2016). Again, if the off-setting expenditures to the in-kind contributions received should be reported on Schedule B, then Workers' Voice had no obligation to report them on Schedule E within 24 or 48 hours of receipt, and the Commission should decline to proceed with any enforcement action.

With respect to Workers' Voice's 2012 reporting errors delineated in the Amended Referral Letter, Workers' Voice has sought to explain the circumstances in its letter dated December 24, 2014, and restated in part here. We again urge OGC to refer these issues to the ADR Office for an appropriate resolution.

Please let me know if we can provide any further information. Thank you for your consideration.

Yours truly,



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Counsel to Workers' Voice

cc: Elizabeth H. Shuler, Treasurer